

1 the parties?

2 A. Yes.

3 Q. And did you receive -- strike that.

4 How often did you work more than 40
5 hours in a week?

6 A. Probably, every week.

7 Q. So of the three weeks you may have
8 worked at the club, you allege you worked more
9 than 40 in each of those weeks?

10 A. Yes. To my knowledge, yes.

11 Q. Do you have any documents that would
12 support that claim?

13 A. No, because I never got tax forms.
14 I never received a W2.

15 Q. Did you receive any checks from the
16 40/40 Club?

17 A. No, I did not.

18 Q. Did you receive any paychecks or pay
19 stubs from the 40/40 Club?

20 A. No, I did not.

21 Q. Did you ever ask for one?

22 A. I asked Charlie. I asked him,
23 aren't you supposed to give checks also? And he
24 said, no. Desiree keeps them. She claims them

1 that's -- it doesn't make sense at all.

2 Q. But it's possible?

3 A. Anything's possible.

4 Q. So you didn't actually witness
5 anything, other than your own treatment?

6 A. Well, speaking to people after the
7 fact, they still haven't received -- they never
8 got checks either. Because I ran into another
9 server in the street, and we were discussing it.
10 And she never got anything either.

11 Q. Who's that?

12 A. Candy.

13 Q. And when did you see her?

14 A. Maybe like two months ago. Maybe
15 two months ago. Two, three months ago.

16 Q. And what was your conversation?

17 A. That we ran into her, because I was
18 trying to figure out. I said, I know you from
19 somewhere. She's like yeah, you look familiar
20 too. And we finally figured out that we knew
21 each other from working at the 40/40. And we
22 spoke about it. And discussed it. She's like,
23 that's crazy. And she said well, that's just how
24 it works, like I never got it either, so.

1 Q. What did you say that prompted her
2 to respond that way?

3 A. She's telling me -- she's like,
4 yeah, she's like, they, you know, weren't giving
5 us checks like that. Yes, I said, I never got
6 anything. She said, well, neither did I.

7 Q. Did you know how long Candy worked
8 at the 40/40 Club?

9 A. She started like around the time I
10 worked there. I don't know if she was still
11 there when I left. I'm not sure.

12 Q. Did you tell her about this lawsuit?

13 A. She knew about it.

14 Q. Did you ask her if she wanted to
15 join the lawsuit?

16 A. No, I didn't.

17 Q. Did she indicate any desire to join
18 the lawsuit?

19 A. No.

20 Q. Other than Candy, have you had
21 conversations with other employees of the 40/40
22 Club that you -- lead you to believe it was the
23 common practice for the club not to pay wages?

24 A. I met another girl. I think we did

1 a fashion -- we did a fashion show or something
2 together. And I think we were in a cab, and we
3 passed by it. And we started to discuss it. And
4 I said, I used to work there. She's like, oh, me
5 too. She's like, but I quit, but I didn't stay
6 there long. I said, I didn't stay there long
7 either. We were just discussing how it was just
8 like not such a good environment, how you were
9 treated, and stuff like that. And she didn't get
10 paid either.

11 Q. What was her name?

12 A. I don't remember.

13 Q. Do you know what her position was at
14 the 40/40 Club?

15 A. She was also a server.

16 Q. But you don't recall who that person
17 was?

18 A. I don't remember her name.

19 Q. Do you recall anything else about
20 your conversation?

21 A. No.

22 MS. SHEINKIN: Can you mark this as

23 D.

24

1 paying?

2 A. Not to me, no.

3 Q. Do you have knowledge about any
4 other employee who was required to pay a
5 customer's bill?

6 A. No, I don't.

7 Q. In Paragraph 11, you also say that
8 if a patron did not sign their credit card
9 receipt, defendants retained the disputed tip for
10 90 days.

11 A. Yeah, because that's your fault that
12 they didn't sign it. That's, you know, you being
13 irresponsible, so you have to pay for that.

14 Q. Did you ever have a customer not
15 sign their credit card receipt?

16 A. Not to my knowledge. I think I had
17 them sign --

18 Q. Are you aware of any other employee
19 who had their tip retained for 90 days?

20 A. No.

21 Q. And you refer to Exhibit A to your
22 document, where in this document do you see the
23 policy that the club would retain a tip for 90
24 days if a credit card was not signed?